

**TOWN OF DAVIE
REGULAR MEETING
SEPTEMBER 21, 2005**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul and Starkey. Also present were Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Mayor Truex announced that the petitioner requested that item 4.13 be tabled to November 2, 2005.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 4.14 and 4.15 were being added.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

3. PUBLIC HEARING - BUDGET

Resolution

- 3.1. **VOTER APPROVED DEBT SERVICE MILLAGE RATE - A RESOLUTION OF**
R-2005-256 **THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE**
LEVIED FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR
BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006. {Approved
on First Reading September 7, 2005 - all voted in favor}

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinances - Second and Final Reading

- 3.2. **MILLAGE RATE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2005-20 **ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR**
BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006. {Approved
on First Reading September 7, 2005 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Budget and Finance Director William Underwood advised that between the debt service millage rate and the current year's debt service millage rate, the Council had reduced the millage rate by 13.6%

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

**TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005**

- 3.3. **BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING**
2005-21 **THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2006.**
{Approved on First Reading September 7, 2005 - all voted in favor with Councilmember Paul dissenting}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

Mr. Underwood explained changes that had been made to accommodate the millage rate. Councilmember Crowley thanked staff for their efforts in preparing the budget.

Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 4-1)

Councilmember Paul reiterated her views that the budget could have been cut further and that more funds could have been allocated to reserves. She wanted Council to be more careful with the budget process. Councilmember Starkey and Mayor Truex agreed that more reserves were needed for emergencies.

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. August 1, 2005 (Workshop Meeting)
4.2. August 4, 2005 (Workshop Meeting)

Proclamation

- 4.3. Fire Prevention Week (October 9-15, 2005)
4.4. National Breast Cancer Awareness Month (October 2005) and National Mammography Day (October 21, 2005)
4.5. Make a Difference Day (October 22, 2005)

Resolutions

- 4.6. **QUIT CLAIM DEED - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2005-257 **AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A QUIT CLAIM DEED FOR 25' OF RIGHT-OF-WAY FROM ALEXANDRU AND MARIANNE KIRA; AND PROVIDING FOR AN EFFECTIVE DATE. (generally located along the north side of Ernest Boulevard, west of Hiatus Road)**
- 4.7. **RESTRICTIVE COVENANTS - A RESOLUTION OF THE TOWN OF DAVIE**
R-2005-58 **AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AND FILE A DECLARATION OF RESTRICTIVE COVENANTS FOR THE VIELE HOUSE LOCATED AT THE OLD DAVIE SCHOOL SITE, PROVIDING FOR RECORDATION OF THE RESTRICTIVE COVENANTS, AND PROVIDING FOR AN EFFECTIVE DATE.**
- 4.8. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2005-259 **AUTHORIZING THE APPROVAL OF THE HOLD HARMLESS AGREEMENT WITH MELVIN AND HELEN HAGGARD, AND PROVIDING FOR AN EFFECTIVE DATE.**

**TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005**

- 4.9. **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING THE**
R-2005-260 **MAYOR TO EXECUTE A CONTRACT WITH SELECTRON TECHNOLOGIES,**
INC. AS A SINGLE SOURCE PROVIDER FOR INTERACTIVE VOICE RESPONSE
SYSTEM TO INTERFACE HTE BUILDING PERMIT SOFTWARE. (\$39,400)

Temporary Use Permit

- 4.10. TU 7-3-05, St. Bonaventure Catholic Church, 1301 SW 136 Avenue (Family Festival) -
November 10-13, 2005)

Quasi-Judicial Consent Agenda

- 4.11. SP 5-5-04, Shenandoah Square, 13600 State Road 84 (B-2) (tabled from September 7,
2005) *Site Plan Committee recommended approval based on the planning report and
these items: 1) that the color of this building is to match the existing center, even if it is
two or three colors and to add a stucco band around the columns and the building which
if it is to match the existing building, it would be white with a separation between the two
colors; 2) the roof is to be a clay barrel tile to match the existing center (not cement); 3)
the soffit over the drive-thru at the south end should be pulled back to within one-foot of
the face of the column to allow a 14-foot clear height underneath the roof overhang at
the bypass lane; 4) on the east side of the existing eastern drive that is currently a one-
way driveway, remove the current 45° angle parking spaces to reconfigure that area to a
22 to 24-foot two-way drive curbed on the east side adding a little bit of landscaping in
what would become an island so that part of that area will allow a two-way drive
circulation, all of which is to be reviewed by Engineering; 5) add a stop sign at the north
end; and 6) that the stucco band which is to be added around the building and columns
is to be three-feet above finished floor*
- 4.12. SP 12-1-04, Flamingo Ranch Estates, 11900 SW 14 Street (A-1 (tabled from September
7, 2005) *Site Plan Committee recommended approval based on the planning report and
1) to address the issue of the Rural Lifestyle Code §12-289(A)(2), “of the six-hundred-
foot block” [block length is approximately 1,200 linear feet] regarding a required
pathway into a community; 2) on the south property line, install a chain-link fence and a
hedge on petitioner’s property, however, the hedge is to be maintained by the property
owners to the south; 3) on the recreation trail connection at the east, to be continued
northeast and connect up to the horse trail which goes across the canal and continues
east, as it crosses 14th Street, that it be marked as a crossing; and 4) at the trails on SW
121 Avenue and 14 Street, that the proper markings be made to make the crossings on
both those roads*

**TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005**

- 4.13. SP 10-2-04, Dunkin Donuts Restaurant, 3884 SW 64 Avenue (B-2) (tabled from August 17, 2005) *Site Plan Committee recommended denial because the Committee was of the opinion that the Town would never accomplish what it expected of the downtown if it continued to approve parcel-by-parcel items which did not meet the intent of the Western Theme. The Committee decided on an addendum to its recommendation that the following comments be implemented into the site plan should the Council decide to reverse the Committee's recommendation to deny: 1) address the covered walkway on the north side of the building to be extended the entire length and that the east side of the building was totally barren; 2) the pavers at the corner are to match the current pattern; 3) look at the handicapped space location do to slope into the building; 4) bike racks are missing; 5) the Committee did not like the signage colors; and 6) parking arrangement has a dead end, no outlet parking area which does not work*

Items to be added

- 4.14. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE
R-2005-261 ACTIONS OF THE MAYOR IN DECLARING A STATE OF EMERGENCY WITHIN THE TOWN OF DAVIE DUE TO THE EFFECTS OF HURRICANE RITA; AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.15. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2005-262 TOWN TO APPLY FOR A FLORIDA HIGHWAY BEAUTIFICATION GRANT OF UP TO \$150,000; AND IF AWARDED, TO ACCEPT THE GRANT AND ENTER INTO A HIGHWAY BEAUTIFICATION COUNCIL GRANT, LANDSCAPE CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (WITH MATCHING FUNDS UP TO \$150,000).

Councilmember Starkey pulled items 4.12 and 4.15. Councilmember Paul pulled item 4.11. Mayor Truex pulled item 4.2 and 4.8. Mr. Kiar pulled item 4.6.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the Consent Agenda minus items 4.2, 4.6, 4.8, 4.11, 4.12, and 4.15. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Mayor Truex requested that the word "instigate" be corrected and changed to "investigate" on page 1.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.6 Mr. Kiar referred Council to page 2 and explained that a notary's signature was needed. Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve with the additional signature. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Mayor Truex asked that residents who attended to hear this item come forward. Mr. Kiar spoke of the history and legal details of the property recording. Mr. Hodges, representing the property owners, explained that due to a legal error in the documentation, only one lot had been recorded while the other lot became owned by the Town. Mr. Kiar added that the owners wanted to buy back the property owned by the Town for the back taxes, which was

TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005

\$8,000. He advised that the Hold Harmless agreement would indemnify the Town in the event of any liability, which he recommended that Council accept the Hold Harmless agreement. Mr. Kiar advised that under the Broward County Property Appraiser's system, the approximate value would be \$22,687.50. He determined that the Town could sell the property back to the Haggards for \$8,000 plus interest, if Council determined that the property had outlived its usefulness, became inadequate or was not needed for public interest, and that the sale would be in the best interest of the Town.

Mayor Truex asked how staff arrived at the \$8,000 figure. Mr. Hodges explained how the value had been determined and offered to provide the relevant chart to Council.

Melvin and Helen Haggard, 6955 SW 57 Street, were present. Ms. Haggard advised that this property was their primary residence.

Mayor Truex stated that he was generally not in favor of "just giving away Town property" but felt that if the Haggards paid the back taxes, it would be a windfall for the Town. He requested that staff prepare documents to sell the property to the Haggards for the back taxes, plus interest, attorney fees, and Development Services costs.

Vice-Mayor Hubert indicated that she was not in favor of charging interest and Development Services costs but wanted to sell it for only the back taxes plus attorney's fees. Councilmember Paul was in favor of charging all charges mentioned as this would still be a lot less than the land value. Councilmember Starkey agreed with Vice-Mayor Hubert on only charging taxes plus attorney's fees.

Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to direct staff to prepare paperwork to sell the land in question for the actual back taxes plus attorney's fees. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to approve the Hold Harmless Agreement. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Councilmember Paul asked if Town Engineer Larry Peters had reviewed the relevant documents along with the Site Plan Committee additions. Mr. Peters responded in the affirmative and it was his understanding that the applicant had agreed.

An unidentified man, representing the applicant, advised that the applicant took exception to the request for extra curbing and landscaping due to traffic concerns.

Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Peters summarized the planning report.

Peter Cheetam, representing the architect, explained the six items that were recommended.

Councilmember Paul was in favor of the Site Plan Committee's recommendation. Regarding the dry retention area, she questioned how the project would tie in the existing drainage system. Mr. Peters explained that the total amount of pervious area was still the same and that the drainage was improved.

Councilmember Crowley indicated that this project shared the lake system within Shenandoah. He stated that the existing drainage problems were due to lack of maintenance. Councilmember Crowley advised that this had not been to the District yet; however, upon preliminary review, this would meet the criteria. He agreed with the Site Plan Committee's recommendation #4.

Mayor Truex asked why the applicant was not in favor of recommendation #4. Mr. Fee advised that the applicant felt this would be an extra cost. Mayor Truex asked Mr. Peters if there was some method to improve drainage on the site. Mr. Peters felt it was the shopping center's responsibility to provide maintenance.

TOWN COUNCIL MINUTES

SEPTEMBER 21, 2005

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Council had no disclosures.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve with all six of the recommendations of the Site Plan Committee and that these be duly recorded on the site plan. In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Mr. Kiar read the rules of evidence. Mr. Kutney spoke of staff's attempts to work with the petitioner on this issue. He advised that the particular plan presented did not meet Code and asked that this item be tabled.

Councilmember Starkey had spoken with Mr. Aguirre regarding the existing site plan. She was in favor of the new design as she felt it was more in line with the Town's rural lifestyle goals.

Mayor Truex asked Mr. Kutney if he had used the word "variance". Mr. Kutney responded in the negative and stated that the term "variance" was not applicable. He recalled Council's emphasis on connectivity in keeping with the rural lifestyle initiative and stressed the specifics of the Town Code.

Councilmember Starkey felt a portion of the Code could be used as the same 14th Street road being utilized for going in and out. Councilmember Paul agreed that the trails could provide connectivity and felt changing the cul-de-sac to a T-turn was an option. Vice-Mayor Hubert suggested taking the road out of the middle, placing it around the whole area, and turning the houses around.

Gus Aguirre, representing the petitioner, stated that he could not move the right-of-way as the plat had already been recorded. Council suggested a plat amendment. Mr. Kutney felt alterations such as these would make it difficult for staff to enforce the rural lifestyle Code. Councilmember Crowley pointed out that there were no other areas that provided connectivity to other subdivisions.

Mr. Aguirre entered into the record various documents related to this item along with the recorded plat as approved by Council in December 2004. He spoke of the petitioner's continuing efforts to work with staff's and Council's requests. Mr. Peters voiced staff's concerns about the small cul-de-sac and the safety of residents.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Starkey advised she had met with Mr. Aguirre and had called various residents.

Councilmember Paul understood staff's concerns about following the Code. She added that while connectivity was important in 90% of the Town's locations, in some other locations it would not work. Councilmember Paul wanted to meet with staff to see how the Code could be adjusted. She felt there were some circumstances where the Town had to provide some leeway on the Code's provision.

Councilmember Starkey felt Mr. Aguirre had addressed her concerns and overall vision regarding the rural lifestyle provisions. Mr. Kutney agreed to meet with Mr. Aguirre to find a resolution on this issue.

Councilmember Starkey wanted to table this item for two weeks. Councilmember Crowley stated he would support this concept and wished to see a site plan in two weeks.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table to October 5, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

4.15 Councilmember Starkey discussed the ongoing efforts of Public Works/Capital Projects Director Bruce Bernard to improve the entryways on State Road 84. Mr. Bernard advised that the Town had received \$98,000 for the first phase of improvements. He advised that the grant before Council was for an additional \$150,000 for improvements to the I-595 overpasses.

Vice-Mayor Hubert asked what project was being pushed aside to do this project first. Mr. Bernard stated this was not his decision. Councilmember Starkey advised that this project was already in

**TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005**

the Capital Budget. Mr. Kovanes stated that nothing had been pushed aside to accommodate this project. He explained that this item would be added to the 5-year Capital Budget that would come forward after January 2006. Mr. Bernard indicated that if this grant was received, the project would be added to the Capital Budget. Mr. Kovanes added that signage improvements had been put in the 5-year Capital Budget along with this item.

Councilmember Starkey spoke of the need for improvements to the Town's entryways.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 2005-22 6.1. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 10-1-04 RICK CASE HYUNDAI, VACATING AN ADDITIONAL RIGHT-OF-WAY DEDICATION AS SHOWN ON THE PLAT OF POINTE WEST CENTER NORTH, AS RECORDED IN PLAT BOOK 172, PAGES 136 AND 137, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (3550 Weston Road) {Approved on First Reading September 7, 2005 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve.

Mr. Peters spoke of the need for a bus bay and asked that this be approved with the condition that if a bus bay was required, Mr. Case would provide it.

Gary Brown, representing the petitioner, stated that he had not heard about the need for the bus bay until recently. He felt Mr. Case would accommodate the Town's request if the bus shelter was needed.

Councilmember Crowley amended his motion to include the condition that if a bus bay was required, Mr. Case would provide it. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 2005-23 6.2. **AMENDED AGREEMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO CODIFY THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE TOWN AND THE IAFF; AMENDING SECTION FOUR OF THE PLAN TO PROVIDE FOR INCREASED EMPLOYEE CONTRIBUTIONS; AMENDING SECTION SIX OF THE PLAN TO INCREASE THE NORMAL RETIREMENT BENEFIT; AMENDING SECTION FOURTEEN OF THE PLAN TO INCREASE THE MAXIMUM PERIOD OF DROP PARTICIPATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading September 7, 2005 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

**TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005**

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.3. **FIREFIGHTER'S PENSION - AN ORDINANCE OF THE TOWN COUNCIL OF**
2005-24 **THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE**
FIREFIGHTERS PENSION TRUST FUND TO CONFORM WITH THE MINIMUM
BENEFIT OF CHAPTER 175, FLORIDA STATUTES; AMENDING SECTION SIX
OF THE PLAN TO PROVIDE FOR NORMAL RETIREMENT AT AGE FIFTY-FIVE
WITH TEN YEARS OF SERVICE; AMENDING SECTION EIGHT OF THE PLAN
TO PROVIDE FOR MINIMUM DISABILITY BENEFITS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN
EFFECTIVE DATE. {Approved on First Reading September 7, 2005 - all voted in
favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.4. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2005-25 **APPROVING REZONING PETITION ZB 11-1-04, FARIDA PLAT, CHANGING THE**
CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM:
AG, AGRICULTURAL DISTRICT; TO: R-5, LOW MEDIUM DWELLING
DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE. (950 South Flamingo Road) *Planning and Zoning Board recommended*
***approval* {Approved on First Reading September 7, 2005 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Starkey advised that she had spoken with several residents who had concerns about parking on the site.

Councilmember Starkey had questions regarding parking. Dan Fee, representing the petitioner, explained that parking would be inside garages with at least two parking spaces in the driveway. Councilmember Starkey advised that residents wanted to prohibit street parking in the homeowner's association documents and did not want any connection to 121st Avenue. She asked why there was no access through the pet care facility. Mr. Fee explained that providing public access would require an additional landscape buffer.

Councilmember Crowley asked about the number of units. Mr. Fee advised that the original plat provided nine units, but that this would be determined by the Drainage District's criteria.

Councilmember Paul asked if the new owners could change the plat and add more homes on the site if the developer sold the property in the future. Mr. Kutney responded in the affirmative. Councilmember Paul was concerned about access to the site.

**TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005**

Vice-Mayor Hubert asked if the streets in the development were public rights-of-way and whether the Town could enforce the “no-street parking” request. Mr. Kutney advised the streets were public and that they were not designed for street parking.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

Resolution

6.5. **REPORT** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
R-2005-263 DAVIE, FLORIDA, ADOPTING THE DRAFT EVALUATION AND APPRAISAL
REPORT FOR THE TOWN OF DAVIE COMPREHENSIVE PLAN; STATING THE
INTENT OF THE TOWN COUNCIL TO AMEND THE COMPREHENSIVE PLAN
BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND
APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF
COMMUNITY AFFAIRS FOR INITIAL REVIEW IN ACCORDANCE WITH
SECTION 163.3191, FLORIDA STATUTES.

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Paul voiced her concerns about 14th Street and 26th Street traffic and wanted these to be addressed in the next report. She recalled Council’s discussions on a road master plan and Code rewrite and asked Mr. Kutney how these would be handled. Mr. Kutney felt the ideal way would be to draft the policies, and then hold a workshop to determine what was needed. Councilmember Paul stated that Council would feel a lot better if its wishes were written in stone. She felt there was too much asphalt and wanted the Town to make do with what it had and use more traffic calming measures. Mr. Kutney advised that staff’s next step was to look at the plan and start making adjustments in light of the Town’s policies. He stated that it would be helpful if Council would agree to a workshop while staff was working on this issue.

Planner Ingrid Allen gave a brief PowerPoint presentation outlining details of the EAR and requested that Council identify issues of concern along the way.

Councilmember Starkey spoke of a parcel on 14th Street, east of Flamingo Road and two parcels on 26th Street, just east of Flamingo Road which were not accurately presented on the map.

Councilmember Starkey spoke of school concurrency issues and the capacity of these schools. She stated that Wolf Lake was shown as a County owned parcel. She added that the Sunny Lake site was also a Town-owned parcel and needed to be on the listing.

Mr. Kutney provided a brief summary of the presentation and spoke of staff’s recommendations to: 1) look at additional parcels of land that would address deficiencies revealed in the land resource inventory; 2) purchase strategically located parcels and maintain the Town’s easements; 3) continue to partner with the Florida Community Trust, the Trust for Public Lands and the Davie Area Land Trust; 4) perform additional wetland mitigation; and 5) work with the County to identify wildlife habitats not already represented.

Regarding housing, Mr. Kutney spoke of the need to expand corporate rental housing and ensure that residential developments offered 20% of their units for affordable housing. Vice-Mayor Hubert asked how staff could make this possible with large developers such as GL Homes. Mr. Kutney advised that Council could add this to the comprehensive plan as a law or requirement. Vice-Mayor Hubert pointed out that one house per acre would never be affordable.

TOWN COUNCIL MINUTES

SEPTEMBER 21, 2005

Councilmember Starkey asked whether an affordable housing fund or impact fee toward affordable housing could be established. Mr. Kutney stated that staff needed to study these and other possible alternatives.

Councilmember Starkey spoke of the County's attempts to come up with a formula to accommodate more affordable housing, which would factor in higher income levels. Mayor Truex was not in favor of having rich and poor neighborhoods. He felt any kind of plan should penalize people for the concept of paying rather than for building affordable housing. Mayor Truex felt it was essential to have every geographical area of the Town include affordable housing.

Mr. Kutney addressed the problems with the Town's substandard mobile home parks. Councilmember Starkey agreed that the Town needed to address mitigation for mobile home parks but did not want the wording to imply that the Town would do the mitigation with regard to the airport noise issue. Councilmember Crowley stated that Council should recognize Park City which was also affected by airport noise.

Mr. Kutney spoke of goals to work with the Drainage District on ongoing issues. Councilmember Crowley asked Mr. Kutney to change the wording from "drainage district" to "water management district."

Mr. Kutney spoke of goals to research an impact fee specific to those uses that were tax exempt, in order to help the Town's financial structure. He highlighted plans to develop the 441 Master Plan and the RAC Master Plan. Mr. Kutney spoke of the goal to adopt regulations that allowed industrial lands to be redeveloped to moderate industrial areas. Councilmember Paul suggested using the term "sustainable tax base".

Councilmember Starkey stated that the Town should have a local roadway network and concurrency system. She felt that if the Town could establish a level of service and improve it, it could possibly assess an impact fee.

Mayor Truex referred to one slide and felt item #3 should state "intrusion of multi-family housing and commercial." He felt the Town should be intruding into these existing neighborhoods with other types of developments. Regarding item #4, Mayor Truex stated that pedestrians should include "bicycles".

Regarding item #3, Councilmember Crowley agreed that single-family homes had to be protected. Mr. Kutney advised Council that expansion of the RAC was also a possibility.

Councilmember Crowley referred to Section 1, under "Historic Sites" and advised that Math Igler Grove was not a historic site. He requested that staff clarify this and advised that the Viele House was awaiting acceptance of its application for a historic site designation.

Councilmember Paul felt this was an appropriate time to begin putting agriculture back into the plan. Mr. Kutney agreed staff would look at this further.

Councilmember Starkey requested that the Town could consider adding a study on concurrencies for local schools. She felt establishing a level of service based on School Board data would help Council decide what it could do to remedy areas that needed improvement.

Vice-Mayor Hubert felt without more flexibility with density and height, affordable housing would never be a reality. She felt this had to be addressed now.

Mayor Truex thanked Mr. Kovanes, Mr. Kutney and staff for the work done on the EAR.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve with the inclusion of Council's recommendations. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005

Site Plan/Quasi Judicial Item

- 6.6. SP 8-4-03, DiBenedetto Multi-Tenant Building, 5490 Griffin Road (Griffin Corridor District, East Gateway Use Zone 3) (tabled from August 17, 2005) *Site Plan Committee recommended approval based on the planning report and 1) that the engineering and landscape plans be brought back before this Committee corrected and matching the site plan with consistent landscaping throughout the property; 2) that the drainage issues be addressed; 3) to reduce the number of steps coming from the parking area to one, five-foot wide; 4) that the applicant apply for a parking variance; and 5) that the tabulations for parking reflect the daytime use and nighttime use*

Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney spoke of communication problems between staff and the petitioner. He advised that the petitioner had changed some elevations which staff needed to review. Mr. Kutney requested that this item be tabled.

Mike DiStefano, representing the petitioner, indicated that the proposal submitted was identical to the one presented to Council except that the elevation was different. He read a prepared statement and spoke of attempts made over the years to build a viable project on the site. Mr. DiStefano advised that Mr. DiBenedetto had purchased two additional properties adjacent to the site for parking in order to avoid additional waivers. He stated that Mr. DiBenedetto was willing to make aesthetic modifications to meet Council's requests. Mr. DiStefano spoke of different parking options being considered and entered these plans into the record.

Councilmember Crowley wanted to table this item to give staff time to review the proposals being presented to Council. Councilmember Paul agreed.

Mr. Kiar opened the public hearing portion of the meeting.

Joe Cosner, 4451 SW 77 Avenue, objected to this project as he felt it did not fit the concept of the Griffin Road corridor.

Mr. Kiar closed the public hearing.

Mr. Kutney spoke of staff's pride in this district and advised that staff was willing to sit with the petitioner to work out this issue.

Mr. Kiar turned this portion of the meeting over to Council for disclosures.

Councilmember Starkey advised that she had met with Mr. DiStefano. Mayor Truex advised that he had met with the petitioner. Vice-Mayor Hubert advised she had met with them last year.

Mayor Truex agreed with Mr. Cosner's comments and was in favor of denying the project. He did not feel it was Council's obligation to come up with ideas or grant variances for some parcels in order to accommodate such projects.

Vice-Mayor Hubert asked if the current usage would be retained if the petitioner kept the building. Mr. Kutney advised that the property would remain as a non-conforming use if the owner kept the building.

Councilmember Starkey agreed with Vice-Mayor Hubert and wanted a legal opinion on this. Councilmember Paul advised that if this project came back to Council as it stood, she would not be in favor of it since it did not meet the concept of the Griffin Road corridor.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to table to November 2, 2005. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005

7. APPOINTMENTS

7.1. Airport Advisory Board (one exclusive appointment - Councilmembers Crowley and Paul; terms expire December 2005)

No appointments were made.

7.2. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

7.3. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

7.4. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex and Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

8. OLD BUSINESS

No old business was discussed.

9. NEW BUSINESS

9.1. Relocation of Town Council, and Planning & Zoning Meeting - Councilmember Paul

Councilmember Paul requested that the venue for the Planning and Zoning and Council meeting regarding the Davie Commons issue be changed. She was concerned about accommodating the many residents anticipated at the meeting and suggested Western High School as a location. Mr. Kiar advised that nothing prohibited a change of venue and added that the change would be at the Planning and Zoning Board's discretion.

Vice-Mayor Hubert suggested Nova Southeastern University instead of Western High School.

Councilmember Starkey was in favor of keeping the meetings at Town Hall as she felt it allowed business to be conducted in a proper forum. Mayor Truex agreed with Councilmember Starkey but felt the sound quality in Council Chambers needed improvement. He asked whether the Community Room could be opened as well.

Councilmember Crowley was not concerned where the meeting was held as long it was within the law. He suggested using some of the Town's canopy tents.

Councilmember Paul did not agree with using Nova Southeastern because of parking fees and spoke of problems with the audio equipment in Council Chambers. She added that Council would need to set up loudspeakers, TVs and monitors outside and questioned whether this would be the Town's expense.

Bill Laystrom, representing petitioner, felt the petitioner would handle cost recovery for these items.

Mr. Kovanes spoke of improvements made to the audio/visual equipment in Council Chambers. He felt the crucial issue was residents who would watch from home.

Vice-Mayor Hubert spoke in favor of Nova Southeastern as the site because of its state-of-the-art equipment and Comcast facilities on site. She felt the Town would be able to ask Nova Southeastern to waive parking fees.

Councilmember Starkey requested that clear time guidelines be established. She requested that a speaker system and television be placed outside for residents.

**TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005**

Councilmember Crowley agreed with Councilmember Starkey and Mayor Truex that the meeting should remain in Council Chambers. Councilmember Starkey felt relocating the meeting would create a logistical problem for staff.

10. MAYOR/COUNCILMEMBER'S COMMENTS

VICE-MAYOR HUBERT

CONGRATULATIONS. Vice-Mayor Hubert congratulated Bill and Jennifer Lewis on the birth of their daughter.

BULK PICKUP. Vice-Mayor Hubert advised that Waste Management was not picking up bulk waste from all residences in her neighborhood. Mr. Kovanes advised that staff had received several complaints recently and was documenting mistakes residents made on items being placed for bulk collection.

COUNCILMEMBER CROWLEY

BULK PICKUP. Councilmember Crowley voiced his displeasure with Waste Management's bulk pickup service.

COUNCILMEMBER STARKEY

HURRICANE PLAN. Councilmember Starkey spoke of Hurricane Rita and stressed the need for a hurricane preparedness plan. She encouraged homeowners to visit the www.daviehurricanerelief.org website and assign a community liaison. She thanked various local communities and organizations for their efforts in restocking the Town's pantries and helping displaced residents.

COUNCILMEMBER PAUL

GARBAGE SERVICE. Councilmember Paul voiced her displeasure with Waste Management's service and requested a report from staff on the reasons for the poor service.

TRAFFIC. Councilmember Paul spoke of a letter she received from Broward County School Boardmember Beverly Gallagher regarding severe traffic problems at Hawke's Bluff Elementary during the mornings and at dismissal time.

BERMAN MITIGATION. Councilmember Paul spoke of a memo she received from the Town Attorney on the Berman mitigation parcel and requested information on how this was being handled.

CONGRATULATIONS. Councilmember Paul congratulated David Paulson for being named Director of FEMA.

11. TOWN ADMINISTRATOR'S COMMENTS

SPECIAL MEETING. Mr. Kovanes indicated a special meeting might be required regarding the SERMA property liability issue. Councilmember Starkey felt this was an important issue and wanted something to be done to make sure the Town was covered. Mr. Kovanes wanted to conclude research by Friday and then schedule a meeting.

HAPPY BIRTHDAY. Mr. Kovanes wished Fire Chief Don DiPetrillo a happy birthday.

PLANNING AND ZONING MANAGER. Mr. Kutney introduced new Planning and Zoning Manager Bruce Dell. Mayor Truex and Council welcomed Mr. Dell to the Town.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

TOWN COUNCIL MINUTES
SEPTEMBER 21, 2005

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:03 p.m.

Approved _____

Mayor/Councilmember

Town Clerk